

NOV 09 2007

PTO/SB/64 (11-07)

Approved for use through 11/30/2007. CMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional)
<p>First named inventor: Sujoy Kumar GUHA</p> <p>Application No.: 09/936,952 Art Unit: 1617</p> <p>Filed: January 22, 2002 Examiner: WILLIAMS, Leonard M.</p> <p>Title: AN IMPROVED REVERSIBLE CONTRACEPTIVE FOR MALE AND FEMALE</p> <p>Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (571) 273-8300</p> <p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"> (1) Petition fee; ✓ (2) Reply and/or issue fee; ✓ (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional. ✓ <p>1. Petition fee</p> <p><input checked="" type="checkbox"/> Small entity-fee \$ 770 (37 CFR 1.17(m)). Applicant claims <u>small entity</u> status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(m))</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of <u>Response/amendment</u> (identify type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee and publication fee (if applicable) of \$ _____</p> <p><input type="checkbox"/> has been paid previously on _____</p> <p><input type="checkbox"/> is enclosed herewith.</p>		

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

November 9, 2007

Date

Loren K. Thompson, Ph.D.

Typed or printed name

45,918

Registration Number, if applicable

Ladas and Parry LLP

Address

(312) 427-1300

Telephone Number

224 S. Michigan Ave., Chicago, IL 60604

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: RCE

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.November 9, 2007

Date


Signature

Loren K. Thompson, Ph.D. Reg. 45,918

Typed or printed name of person signing certificate

NOV 09 2007

DOCKET: CU-4256

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: Sujoy Kumar GUHA] GRP ART UNIT: 1617
Serial No: 09/936,952] Ex.: WILLIAMS, Leonard M.
Filed: January 22, 2002]


For: AN IMPROVED REVERSIBLE CONTRACEPTIVE FOR MALE AND FEMALE

Certification under 37 C.F.R. §1.8(b)

The USPTO Central Fax No. (571) 273-8300

Date of Fax Transmittal: **November 9, 2007**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted to the United States Patent and Trademark Office to the fax number and on the date indicated above.


Loren K. Thompson, Ph.D.**STATEMENT ESTABLISHING UNINTENTIONAL DELAY**

The above-identified application apparently went abandoned by failure to maintain pendency of the application.

On May 19, 2005, the USPTO imposed a final office action upon the above application which had a 3 month shortened statutory period for reply which was also extendible for another 3 months to November 19, 2005.

The Applicant subsequently filed a response on September 2005 along with a two month extension, but the USPTO lost this submittal.

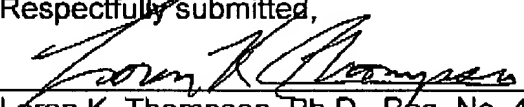
The Applicant subsequently filed the response again on August 31, 2006 which was apparently accepted by the USPTO.

Beyond one year after this second submittal of this response to the after final office action, the USPTO has finally issued an advisory action on October 9, 2007.

The USPTO supervisor Mr. Sreeni Padmanabhan and the USPTO Examiner, Mr. Leonard Williams indicated that this application had clearly lapsed into abandonment because the statutory period had lapsed. However, the Supervisor and the Examiner acknowledge that the USPTO erred in not sending notice to the Applicant regarding this abandonment.

Even though the USPTO failed to notify the Applicant that the application had expired, the Applicant respectfully regrets not maintaining the application pendency during these extended time periods between responses.

Respectfully submitted,

November 9, 2007
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